

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

JAMES CUMMINS,)
)
Plaintiff,)
)
vs.)
)
THE ARCHDIOCESE OF DUBUQUE,)
)
Defendant.)

MOTION TO CONSOLIDATE
No. CV04-1028 EJM

JAMES PADDOCK,)
)
Plaintiff,)
)
vs.)
)
THE ARCHDIOCESE OF DUBUQUE,)
)
Defendant.)

MOTION TO CONSOLIDATE
No. CV04-1033 LRR

COMES NOW Defendant The Archdiocese of Dubuque and for its Motion to Consolidate
the above-captioned lawsuits pursuant to Federal Rule of Civil Procedure 42 and Local Rule 10.1(f)
states:

1. The above-captioned lawsuits contain allegations of sexual abuse against The
Archdiocese of Dubuque and involve numerous “common question[s] of law or fact” pending before
this court pursuant to F.R.C.P. 42.
2. Common Questions of Law. Both lawsuits assert the same five (5) counts (Count
I -Assault and Battery; Count II - Childhood Sexual Abuse; Count III - Intentional Infliction of
Emotional Abuse; Count IV - Breach of Fiduciary Duty; and Count V - Negligent Hiring,

Supervising, Warning, Documenting, and/or Retaining) against the Archdiocese of Dubuque arising out of the alleged illegal acts of a priest. Both lawsuits are filed by the same attorneys and involve common, if not identical, legal theories of recovery.

3. **Common Questions of Fact.** Both lawsuits allege abuse arising out of a visit that both Plaintiffs made to a “rectory” in McGregor, Iowa in the summer of 1962 with Father William Roach and another unidentified priest. See Cummins Complaint, para. 15; Paddock Complaint, para. 13. Each Plaintiff is disclosed as a witness in the other’s lawsuit, and it is anticipated that many of the same witnesses will be called by both parties in both lawsuits.

4. To date, both cases have followed similar discovery tracks, and it is anticipated that the same pre-trial motions, jury instructions and witnesses will be relied on in both lawsuits.

WHEREFORE, Defendant prays that the above-captioned lawsuits be consolidated for trial and that such other and further relief and orders, legal or equitable, be entered as this court deems appropriate under the circumstances.

THE ARCHDIOCESE OF DUBUQUE,
Defendant

By /s/ Brendan T. Quann
Brendan T. Quann 000004440

By /s/ Davin C. Curtiss
Davin C. Curtiss 000014786

Mailing Address:
O'CONNOR & THOMAS, P.C.
P. O. Box 599
Dubuque, IA 52004-0599

Physical Address:
O'CONNOR & THOMAS, P.C.
Dubuque Building
700 Locust Street, Ste. 200
Dubuque, IA 52001-6874

Telephone: (563) 557-8400
Facsimile: (563) 556-1867
E-mail: bquann@octhomaslaw.com
dcurtiss@octhomaslaw.com

Attorneys for said Defendant.

Original filed.

Copy to:

Attorneys Thomas L. Staack and
Chad A. Swanson
Dutton, Braun, Staack & Hellman, P.L.C.
3151 Brockway Road
P.O. Box 810
Waterloo, IA 50704